

Final Meeting Summary
DEQ Air and Water Resource Impact Work Groups
Tuesday, June 18, 2002
Sate Capitol, House Room 4

Robert Burnley, Director of the Department of Environmental Quality, welcomed the Air and Water Cumulative Impacts Advisory Group members and explained the purpose and objectives of the work groups.

PURPOSE

The work groups were formed to assist the Department of Environmental Quality (DEQ) in evaluating the combined impacts of air emissions and water withdrawals from existing and proposed sources on air quality and water supply.

OBJECTIVES

- 1) Develop a description of air quality and water supply factors that should be evaluated during environmental impact reviews and air and water permit reviews.
- 2) Identify methods or tools that are available to meaningfully measure or predict these impacts.
- 3) Identify options for how to best use this information in evaluating impacts once the impacts are identified.
- 4) Identify the implementation costs associated with measuring, predicting and evaluating impacts and options for meeting these identified costs.

Mr. Burnley explained that there were approximately 60 volunteers for the two groups and that approximately 25 were selected for their ability to provide technical expertise rather than to serve as advocates. Mr. Burnley urged anyone with good technical information on combined impacts to provide it to the appropriate group. He also noted that there will be time at the end of each meeting for public comment, and that this time would be another mechanism for people to provide the Work Groups with input. The Work Groups will consider all information provided by the public.

Summaries of the meetings will be provided to the group by email and posted along with the meeting schedule on the agency website. The work groups meetings will be facilitated by the UVA Institute for Environmental Negotiation (IEN).

Mr. Burnley fielded questions on the expectations for the two advisory groups. He clarified that he is not asking for consensus or prioritized recommendations, but is looking for the Work Groups to present a range of options with their advantages and disadvantages. In response to a question about possible outcomes, he noted that it is possible that DEQ may decide to do anything from simply tweaking existing procedures to designing new procedures. Cost will be factor in any final DEQ decision. He emphasized that he wants to be as open as possible to any possible outcome, and did not want to have a preconceived idea of how DEQ will decide to act on the options presented by the Work Groups. With regard to the focus of the Work Groups, he responded that the focus of the Work Groups is not limited to power plants but can include all large sources of emissions and water discharges and withdrawals. In response to a question of the possibility of regulations emerging from this work, Mr. Burnley indicated that he believes DEQ already has the authority to ask for any information that it might need in the permitting process, and the authority to regulate, and so doesn't believe that significant new regulations will be needed. In response to a question about the potential need for looking at water allocation issues, Mr. Burnley noted that the Work Group will want to identify a range of regulatory tools for consideration, but did not want the Work Groups to focus on developing specific recommendations. With regard to whether the framework for the Work Groups is the

existing body of laws and regulations in Virginia, Mr. Burnley clarified that the Work Groups framework is the existing body of knowledge and tools, and they are not limited by the existing laws and regulations in Virginia. Rather, their focus should be on sorting through the science and the possibilities offered by science.

Presentations were given on the air and water permitting programs by John Daniels and Martin Ferguson, respectively, prior to breaking out into separate air and water group meetings.

Water Work Group

The water advisory was facilitated by Tanya Denckla of IEN. After introductions and discussions of individual expectations, the group began forming the framework of the work to be done. The group agreed that in evaluating combined impacts, we were interested in the impact of multiple facilities on a single resource. Furthermore, the primary resources of concern for the water group are ground and surface water quantity.

In discussing resource needs to complete our objectives, John Kauffman mentioned the book he co-authored on instream flows. It is available at www.instreamflowcouncil.org and contains many of the tools for determining streamflow requirements for protection of aquatic life. John agreed to prepare a summary of the book for a future meeting. John will not be available for the next two meetings. Preliminary topics and additional briefings scheduled for the remaining meetings included:

July 16th

- Begin with Task 1: What impacts should be evaluated?
- Joe Hassell will provide a brief presentation about all the impacts currently considered in VWP permitting for surface water withdrawals, as well as examples of situations where there may be only partial or no coverage.
- See if Task 3 makes sense here: If these impacts were to be evaluated, how could the information on the impacts be used?

August 6th

- Begin working on measurement methods and tools, and their associated costs
- Tom Wilcox will provide a brief presentation on DGIF's review of intake structure designs and their impacts on fisheries. The review procedure was developed in conjunction with Dr. Gowen at Randolph Macon College.
- Mike Scanlan will provide a brief presentation on DEQ's Regulation 11 water withdrawal database.
- Other helpful resources:
 - EPA guidelines for intake structures at www.epa.gov.
 - Written summary of instream flow issues/tools to be provided by John Kauffman of DGIF

September 12th

- Continue working on measurement methods and tools, and their costs
- Identify the components and outline for the Work Group report

October 10th

- Complete discussions
- Review draft of final report

Because of the meeting time constraints, speakers are asked to keep their presentations brief, if possible 10 minutes and no longer than 20 minutes.

The EIS staff at DEQ will also be contacted about making a presentation on the impacts covered during an EIS review. Those making presentations will try to email copies to the advisory group one week in advance.

There was considerable discussion of how to accomplish the four objectives outlined by Mr. Burnley in the four remaining meetings and whether to pair objectives 1 and 3 and objectives 2 and 4 or just address them all sequentially. Prior to the next meeting, each member is to 1) draft a list of the impacts of water withdrawals that should be evaluated during environmental impact reviews and air and water permit reviews, 2) identify any gaps in DEQ's current system, 3) identify how any additional information about or measurements of these impacts could be used, and 4) identify information that would be helpful for the discussion about measurement tools and methodologies and their associated costs. These may be brought to the next meeting or sent to Tanya Denckla in advance to compile (tanyad@virginia.edu).

Interest was expressed in moving the meetings out of downtown Richmond and possibly meeting from 10:00 to 3:00 with a 1 hour break for lunch. DEQ's Piedmont Regional Office, DGIF's Broad St. office and Dominion Power's Innsbrook complex were all suggested as potential meeting locations. A revised schedule and list of participants will be emailed to the advisory group.

Guidelines for the Work Group include:

- Interaction with the media – Members speak on behalf of themselves and do not attribute statements by others.
- Governing/decision making – The goal is to come up with a range of options and advantages/disadvantages. This is not a voting or consensus building effort.
- Substitutes may be used, but if a member knows that more than 1 or 2 meetings may be missed they should consider notifying DEQ so that DEQ can select someone else from the waiting list.
- Listen to others
- Professional courtesy: don't interrupt or "step" on others
- No sidebars
- Flexibility is important.
- Members are able to step out of meetings at any time, or to call for a break
- Efforts will be made to share materials prior to the meetings and summaries of the meetings will be distributed by email.
- Summaries will be emailed to members within 10 days, if possible.
- 10 minutes will be set aside at the end of each meeting for public comment .

After opening the meeting for public comment (there was none), the meeting was adjourned.

Air Impact Group

Summary of June 18, 2002 Meeting

The first meeting of DEQ's Air Resources Impact Work Group was held on June 18, 2002, to begin discussing options that might be available to evaluate air impacts from new sources of air emissions. This group is composed of eleven appointed representatives (seven were present at this meeting) from various organizations and interests. Mr. Burnley, Director of the Virginia Department of Environmental Quality, charged both the Air and Water work groups with addressing four study objectives as described in the document "Purpose and Objectives for the Air and Water Impact Studies"

The air impact work group meeting started with an overview by Bruce Dotson (meeting facilitator) of the process to be followed by the group. Members were asked to describe their expectations for the work group. A brief review of the four objectives set forth for the work group was presented along with a specific list of tasks

laid out in the February letter to Senator Whipple and suggested by DEQ for consideration by the work group. The task list is as follows:

1. Assessment of Combined Impacts on Air Quality from Existing and Proposed Sources
 - Identify available models to evaluate multi-source air quality impacts, including information on their relative strengths and weaknesses and cost estimates
 - Identify potential funding sources that may be available for modeling air quality impacts.
2. Ambient Air Quality Monitoring
 - Develop criteria for selecting additional monitoring sites should the funds become available.
 - Develop criteria for the use of air monitoring information developed by organizations other than DEQ.
 - Develop cost estimates and identify potential funding sources that may be available for increased monitoring.
3. Options for addressing any identified air quality impacts
 - Identify the range of tools that could be used to address adverse air quality impacts once identified.
 - Identify other options for addressing air quality impacts.

In discussions that followed, work group members asked: 1) what air pollution sources should be covered? 2) what is the current process for conducting an air impact analysis? 3) what factors are considered in this modeling analysis? And 4) what is the geographic scope of the analysis, source size, and air quality impact considerations or thresholds?

DEQ was asked to provide information on a base case analysis that has been performed on a previous permit application. Also, DEQ was asked to provide the group with a list of the modeling factors and other data that are inputs to the modeling analysis for both ozone and stable pollutant modeling. DEQ agreed to provide this information and post on the DEQ web page prior to the next meeting.

There were comments about NO_x emissions and the resultant depositions to surface waters such as the Chesapeake Bay, and that such impacts should be considered as an element of combined impacts. Others suggested that the group look at what other states and groups have done or are currently doing relative to evaluating new air models and approaches to estimating combined emission impacts. A request was made for DEQ to provide a brief summary of work that is ongoing at MARAMA, the OTC and other organizations such as VISTA. DEQ agreed to provide this information and post on the DEQ web page.

After some discussions about how to begin the substantive work for this study, it was suggested that it would be appropriate to describe and understand the current "air impact analysis baseline" so that the group could decide what about the current approach/procedure should be modified. The group then initiated a process to identify cumulative/combined air quality impact issues that should be addressed in responding to the objectives for this study. Although some issues were identified, the group agreed that each member should e-mail suggested issues to Bruce Dotson at UVa as soon as possible but not later than 2 weeks. Bruce agreed to compile this information and forward to DEQ for posting on its web page.

The preliminary list of issues as identified at the meeting are as follows:

- combined/cumulative impacts from multiple sources - air quality (not all possible variables but air quality)
- incompatibility or independence of EIR process and permitting process
- is permit by permit modeling and monitoring adequate to assess combined impacts?
 - + what is the appropriate geographic scope?
 - + what sources within the region should be included?

- all proposed
 - permitted
 - synthetic minor
 - major
 - increment consuming (PSD)
 - grandfathered sources
- distinguish ozone from other pollutants and Class I analysis from Class II analysis

Questions were raised about the use of air quality data collected by outside sources, and if such data were being collected, how data are used, and what criteria must be followed to ensure the validity of this information. Also, the Group agreed that resource requirements and funding sources will need to be evaluated as part of the overall study, including any air monitoring network enhancements.

At this point in the meeting, the facilitator mentioned a letter that had been submitted to the work group from the American Lung Association requesting that the membership of the group be expanded to include a representative from the health community and that the study be broadened beyond airshed modeling.

In concluding the meeting, the group agreed to focus on Objective #1 at the July meeting, Objectives #2 and #3 at the August meeting, and Objective #4 at the September meeting. At this time, tentative plan is to work on the workgroup's report at the October meeting.

DEQ provided a proposed meeting schedule for the next four meetings. A request was made to reschedule the September 10th meeting. With no further business, the meeting adjourned at 3 PM.

The meeting schedule for the air impact work group is as follows: July 18; August 8; September 9; and October 9. The July meeting will start at 10 AM, and be held at the DEQ Central Office, 1st floor conference room.